UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MALIBU MEDIA, LLC,

          Plaintiff,

DOUG MOYER,

          Defendant.

) Case No. 2:13-cv-13515
) Hon. Marianne O. Battani
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PAUL J. NICOLLETTI (P-44419)
Attorney for Plaintiff
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JOHN T. HERMANN (P-52858)
Attorney for Defendant
2684 West Eleven Mile Road
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ANSWER TO COMPLAINT AND AFFIRMATIVE DEFENSES

Defendant DOUG MOYER, by and through her attorney, JOHN T. HERMANN, hereby responds to Plaintiff's compliant with the answers as follows:

1.   Answering, Paragraph 1, Defendant neither admits nor denies the allegations contained therein for lack of sufficient knowledge or information and leaves plaintiff to its proofs.

2.   Answering, Paragraph 2, Defendant denies the allegations contained therein as untrue.

3.   Answering, Paragraph 3, Defendant neither admits nor denies the allegations contained therein for lack of sufficient knowledge or information and leaves plaintiff to its proofs.

4.   Answering, Paragraph 4, Defendant neither admits nor denies the allegations contained therein for lack of sufficient knowledge or information and leaves plaintiff to its proofs.

5.   Answering, Paragraph 5, Defendant admits that he is a resident of the District in this state. As to the remaining allegations contained in Paragraph 5 Defendant denies the allegations contained therein as untrue.

6.   Answering, Paragraph 6, Defendant admits that he is a resident of the District in this state. As to the remaining allegations contained in Paragraph 6 Defendant denies the allegations contained therein as untrue.

7.   Answering, Paragraph 7, Defendant neither admits nor denies the allegations contained therein for lack of sufficient knowledge or information and leaves plaintiff to its proofs.

8.   Answering, Paragraph 8, Defendant admits that he is a resident of the state of Michigan and resides in the Eastern District of Michigan and resides at the address listed therein.

9.   Answering, Paragraph 9, Defendant neither admits nor denies the allegations contained therein for lack of sufficient knowledge or information and leaves plaintiff to its proofs.

10.   Answering, Paragraph 10, Defendant neither admits nor denies the allegations contained therein for lack of sufficient knowledge or information and leaves plaintiff to its proofs.

11.   Answering, Paragraph 11, Defendant neither admits nor denies the allegations contained therein for lack of sufficient knowledge or information and leaves plaintiff to its proofs.

12.   Answering, Paragraph 12, Defendant neither admits nor denies the allegations contained therein for lack of sufficient knowledge or information and leaves plaintiff to its proofs.

13.   Answering, Paragraph 13, Defendant neither admits nor denies the allegations contained therein for lack of sufficient knowledge or information and leaves plaintiff to its proofs.

14.   Answering, Paragraph 14, Defendant neither admits nor denies the allegations contained therein for lack of sufficient knowledge or information and leaves plaintiff to its proofs.

15.   Answering, Paragraph 15, Defendant neither admits nor denies the allegations contained therein for lack of sufficient knowledge or information and leaves plaintiff to its proofs.

16.   Answering, Paragraph 16, Defendant neither admits nor denies the allegations contained therein for lack of sufficient knowledge or information and leaves plaintiff to its proofs.

17.   Answering, Paragraph 17, Defendant neither admits nor denies the allegations contained therein for lack of sufficient knowledge or information and leaves plaintiff to its proofs.

18.   Answering, Paragraph 18, Defendant neither admits nor denies the allegations contained therein for lack of sufficient knowledge or information and leaves plaintiff to its proofs.

19.   Answering, Paragraph 19, Defendant neither admits nor denies the allegations contained therein for lack of sufficient knowledge or information and leaves plaintiff to its proofs.

20.   Answering, Paragraph 20, Defendant neither admits nor denies the allegations contained therein for lack of sufficient knowledge or information and leaves plaintiff to its proofs.

21.   Answering, Paragraph 21, Defendant neither admits nor denies the allegations contained therein for lack of sufficient knowledge or information and leaves plaintiff to its proofs.

22.   Answering, Paragraph 22, Defendant denies being an infringer; as to the remaining allegations contained in Paragraph 22 Defendant neither admits nor denies the allegations contained therein for lack of sufficient knowledge or information and leaves plaintiff to its proofs.

23.   Answering, Paragraph 23, Defendant denies any infringing distributions of the movies covered by the Copyrights-In-Suit as to the remaining allegations Defendant neither admit nor deny the allegations contained therein for lack of sufficient knowledge or information and leaves plaintiff to its proofs.

24.   Answering, Paragraph 24, Defendant denies the allegations contained therein as untrue.

25.   Answering, Paragraph 25, Defendant neither admits nor denies the allegations contained therein for lack of sufficient knowledge or information and leaves plaintiff to its proofs.

26.	Answering, Paragraph 26, Defendants denies the allegations contained therein as untrue in that Defendant is not obligated to pay Plaintiff's counsel for its fees and/or services.

27.	Answering, Paragraph 27, Defendant denies the allegations contained therein as untrue.

28.	Answering, Paragraph 28, Defendant neither admits nor denies the allegations contained therein for lack of sufficient knowledge or information and leaves plaintiff to its proofs.

29.	Answering, Paragraph 29, Defendant denies the allegations contained therein as untrue.

30.	Answering, Paragraph 30, Defendant denies the allegations contained therein as untrue

RELIANCE ON JURY DEMAND

Defendant hereby relies on Plaintiff's demand for a jury trial in connection with its complaint.

Dated: November 7, 2013

s/ John T. Hermann
JOHN T. HERMANN (P-52858)
Attorney for Defendant
2684 West Eleven Mile
Berkley, MI 48072
(248) 591-9291

NOTICE OF AFFIRMATIVE DEFENSES

1.   Plaintiff's claims are barred by the doctrine of estopple.

2.   Plaintiff's claims are barred due to its own illegality and/or fraud.

3.   Plaintiff's claims are barred due to the illegality of the claimed actions or methods involved in its complaint.

4.   Plaintiff's Complaint may be barred by its prior license to Defendant.

5.   Plaintiff's Complaint for statutory and/or equitable relief is barred in that works of obscenity are not copyrightable or protected.

6.   Plaintiff's claims are barred, in whole or in part, by the doctrine of unclean hands.

7.   Plaintiff's copyrights are invalid and/or unenforceable.

8.   While defendant denies the allegations of fact and conclusions of law alleged in Plaintiff's complaint, defendant asserts, in the alternative, that Plaintiff authorized, impliedly or explicitly, the allegedly infringing sharing of its works via BitTorrent, and the claims are therefore barred by the doctrine of implied license.

9.   Plaintiff's claims are barred, in whole or in part, by its License, consent, and acquiescence in that alleged infringing activity.

10.   Defendants hereby reserve the right to add, supplement, modify, change or amend any and all of its Affirmative Defenses as the facts and circumstances become known through further discovery and/or investigation.

Dated: November 7, 2013   s/ John T. Hermann
                                                  JOHN T. HERMANN (P-52858)
                                                  Attorney for Defendant
                                                  2684 West Eleven Mile
                                                  Berkley, MI 48072
                                                  (248) 591-9291

CERTIFICATE OF ELECTRONIC SERVICE

I hereby certify that I electronically filed the foregoing paper with the Clerk of the Court with the ECF system which will send notification of each filing to the following:

Paul J. Nicoletti, Esq.

Dated: November 7, 2013   s/ John T. Hermann
                                                JOHN T. HERMANN (P-52858)
                                                Attorney for Defendant
                                                2684 West Eleven Mile
                                                Berkley, MI 48072
                                                (248) 591-9291